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January 29, 2020

By ECF

Honorable Steven L. Tiscione, Magistrate Judge
United States District Court, Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *Taylor v. City of New York, et al.*
18-cv-5500 (NG)(ST)

Dear Judge Tiscione:

I write on behalf of all parties to respectfully request an extension on discovery in the above-captioned matter. This is the second such request.

This is a § 1983 action in which Plaintiff Rhian Taylor alleges he was wrongfully prosecuted and convicted for a shooting murder he did not commit, due to *Brady* violations and other misconduct by a New York City police detective and Queens prosecutors pursuant to the wrongful policies, customs or practices of the Queens D.A.'s Office, a New York City agency.

The parties seek an extension due to the significant amount of discovery that remains to be completed. The parties still need to complete depositions of fact witnesses to the underlying constitutional claims, which cannot be taken while discovery issues concerning records from the NYPD and the Queens D.A.'s Office remain unresolved.

On December 10, 2019, the parties appeared before the court on Plaintiff's motion to compel discovery of NYPD and Queens D.A. records pertaining to the underlying criminal case. Pursuant to your Honor's order, Defendants provided, on December 18, a number of records for *in camera* review, which is ongoing. Also in accordance with that same order, on January 13, 2020, Defendants also produced to Plaintiff approximately 1,500 pages of documents previously withheld as privileged.

The parties also anticipate that there will be several discovery issues that will require court intervention. For example, pursuant to the court's December 10 order, Defendants inquired as to whether the NYPD possesses information concerning the alleged "Snow Gang" membership of

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Seprel Turner, a key prosecution witness in Plaintiff's criminal case. Defendants have confirmed that the NYPD possesses responsive documents, but have objected to producing them on relevance grounds, and have declined to provide a privilege log, contending that a log is not necessary for documents that are not relevant to the underlying claims or defenses. Plaintiff expects to bring a motion to compel these documents.

As for *Monell* discovery, Plaintiff has deposed four *Monell* witnesses from the Queens D.A.'s Office. Two of those witnesses are scheduled to sit for a second day of deposition in February, and Plaintiff will be deposing two other *Monell* witnesses from the D.A.'s Office in February as well. Plaintiff anticipates retaining a *Monell* expert, who will have to review the fact discovery from this case as well as tens of thousands of pages of *Monell* document discovery and depositions in order to prepare a report.

Moreover, the parties have agreed to begin engaging in informal settlement discussions. At present, Defendants expect to provide Plaintiff with a written response to his previously conveyed settlement demand by February 13, 2020. Thereafter, the parties may request a settlement conference before Your Honor in the hopes of resolving this matter before engaging in further costly and time-consuming discovery.

Due to the scheduling commitments of counsel in other matters, the document discovery and depositions that have yet to be completed, and the amount of *Monell* discovery that will have to be reviewed by anticipated experts, the parties jointly suggest the following revised schedule in order to finish necessary discovery:

Deadline for fact discovery:	May 29, 2020 (<i>currently January 31</i>)
Deadline for Plaintiff's expert reports:	July 31, 2020 (<i>currently March 16</i>)
Deadline for Defendants' expert reports:	August 31, 2020 (<i>currently March 16</i>)
Deadline for expert depositions:	September 30, 2020 (<i>currently April 16</i>)
Deadline for all discovery:	October 1, 2020 (<i>currently April 17</i>)
Deadline to take first step in dispositive motion practice:	November 1, 2020 (<i>currently May 17</i>)

Thank you very much for Your Honor's consideration.

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Respectfully submitted,

/s/

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Attorneys for Defendants